



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,714	01/06/2004	Romeo S. Linn		1713

39322 7590 02/09/2006

ROMEO S. LINN  
1963 OTOOLE WAY  
SAN JOSE, CA 95131

EXAMINER

SEFI, BEHROOZ M

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,714	<b>Applicant(s)</b> LINN ET AL.	
	<b>Examiner</b> Behrooz Senfi	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Oath/Declaration***

1. The named inventive entity in the Declaration and in the Application Data Sheet (ADS), filed January 6<sup>th</sup>, 2004, is not the same. The Declaration lists Romeo S. Linn as the sole inventor whereas the ADS lists Romeo S. Linn and Raymond Spykerman as Inventor 1 and Inventor 2 respectively. Inventor "Raymond Spykerman" is omitted from Declaration. In the "Petition to Substitute Examiner" filed 11/7/2005 to the Deputy commissioner, it is clearly declared by Mr. Linn himself that Mr. Spykerman ..... Invented the present invention and because of Mr. Spykerman's high age and health that Mr. Linn was asked to help "to carry on the patent application". Therefore, the applicants are required to clarify the following issues regarding the inventorship of the present application.

(i) Is Mr. Spykerman the sole or co-inventor of the present invention as filed? and

(ii) Is Mr. Linn the sole or co-inventor of the present invention as filed,

If so, what are Mr. Linn respective contributions to the present invention?

**See Rule CFR 1.63, 1.64 and 1.67 for guidance.** This Rule may be accessed via the internet through the following links:

[http://www.uspto.gov/web/offices/pac/mpep/documents/appxr\\_1\\_63.htm#cf37s1.63](http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_63.htm#cf37s1.63)

[http://www.uspto.gov/web/offices/pac/mpep/documents/appxr\\_1\\_64.htm#cf37s1.64](http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_64.htm#cf37s1.64)

[http://www.uspto.gov/web/offices/pac/mpep/documents/appxr\\_1\\_67.htm#cf37s1.67](http://www.uspto.gov/web/offices/pac/mpep/documents/appxr_1_67.htm#cf37s1.67)

2. The amendment to the claims filed on October 20, 2005 does not comply with the requirements of 37 CFR 1.121(c) because the status identifier of the claims are not

Art Unit: 2613

present. It is not clear whether the claims are (new), (replacement), or (amended) from the previously presented claims.

**Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:**

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the

Art Unit: 2613

immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Furthermore, there are multiple sets of amendments to the claims, each respectively filed on January 6, 2004, June 7, 2005, and October 20, 2005, and each fails to comply with the requirements of 37 CFR 1.121(c) as stated above.

Since the reply filed on October 20, 2006 appears to be *bona fide*, Examiner will treat the claims as amended on October 20, 2005 as replacement claims of all the previously presented claims.

Normal protocol would have extended a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** to comply with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

However, in the interest of expedited prosecution, the amended claims of October 20, 2005 will be treated on its merit.

3. The amendment to the specification filed on October 20, 2005 does not comply with the requirements of 37 CFR 1.121(b) because it is not clear whether it is intended to (delete), (replace), or (add a paragraph) to the specification. Applicant submitted three set of specification on January 6, 2004, October 17, 2005 and October 20, 2005

Art Unit: 2613

respectively. It is not clear whether applicant intends to replace, amend, or add paragraph to the specification.

Clarification is required.

**Amendments to the specification filed on or after July 30, 2003 must comply with 37 CFR 1.121(b) which states:**

(b) *Specification*. Amendments to the specification, other than the claims, computer listings (§ 1.96) and sequence listings (§ 1.825), must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section.

(1) *Amendment to delete, replace, or add a paragraph*. Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strikethrough cannot be easily perceived;

(iii) The full text of any added paragraphs without any underlining; and

(iv) The text of a paragraph to be deleted must not be presented with strike-through or placed within double brackets. The instruction to delete may identify a paragraph by its paragraph number or include a few words from the beginning, and end, of the paragraph, if needed for paragraph identification purposes.

(2) *Amendment by replacement section*. If the sections of the specification contain section headings as provided in § 1.77(b), § 1.154(b), or § 1.163(c), amendments to the specification, other than the claims, may be made by submitting:

Art Unit: 2613

(i) A reference to the section heading along with an instruction, which unambiguously identifies the location, to delete that section of the specification and to replace such deleted section with a replacement section; and;

(ii) A replacement section with markings to show all changes relative to the previous version of the section. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived.

(3) *Amendment by substitute specification.* The specification, other than the claims, may also be amended by submitting:

(i) An instruction to replace the specification; and

(ii) A substitute specification in compliance with §§ 1.125(b) and (c).

(4) *Reinstatement of previously deleted paragraph or section.* A previously deleted paragraph or section may be reinstated only by a subsequent amendment adding the previously deleted paragraph or section.

(5) *Presentation in subsequent amendment document.* Once a paragraph or section is amended in a first amendment document, the paragraph or section shall not be represented in a subsequent amendment document unless it is amended again or a substitute specification is provided.

### ***Drawings***

4. The newly submitted drawings, filed October 20, 2005, are not in compliance with 37 CFR 1.121(d).

These new drawings must be labeled with figure numbers. For example, "Figure 1", "Figure 2", and so on (Note: the originally filed drawings were correctly labeled).

Each of the drawing sheets did not comply with the margin requirements as set forth in CFR 1.84 (See the highlighted portions of CFR 1.84 below for guidance. **Note:**

Art Unit: 2613

the entire Rule is listed, but highlighted portions are pertinent to the instant application).

The views as illustrated are proper, however, they are too crowded and should be broken down into multiple drawing sheets to comply with the margin requirement.

Also, please note the proper arrangement of views (See highlighted portion of CFR 1.84 below for guidance).

*Amendments to the drawings are required and must comply with 37 CFR*

*1.121(d) and 1.84 standard for drawings which states:*

**1.84 Standards for drawings**

(a) Drawings. There are two acceptable categories for presenting drawings in utility and design patent applications.

(1) Black ink. Black and white drawings are normally required. India ink, or its equivalent that secures solid black lines, must be used for drawings; or

(2) Color. On rare occasions, color drawings may be necessary as the only practical medium by which to disclose the subject matter sought to be patented in a utility or design patent application or the subject matter of a statutory invention registration. The color drawings must be of sufficient quality such that all details in the drawings are reproducible in black and white in the printed patent. Color drawings are not permitted in international applications (see PCT Rule 11.13), or in an application, or copy thereof, submitted under the Office electronic filing system. The Office will accept color drawings in utility or design patent applications and statutory invention registrations only after granting a petition filed under this paragraph explaining why the color drawings are necessary. Any such petition must include the following: (i) The fee



Art Unit: 2613

set forth in § 1.17(h); (ii) Three (3) sets of color drawings; (iii) A black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing; and (iv) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings: The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

(b) Photographs;

(1) Black and white. Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis gels, blots (e.g., immunological, western, Southern, and northern), auto-radiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent.

(2) Color photographs. Color photographs will be accepted in utility and design patent applications if the conditions for accepting color drawings and black and white photographs have been satisfied. See paragraphs (a) (2) and (b) (1) of this section.

(c) Identification of drawings. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

(e) Type of paper. Drawings submitted to the Office must be made on paper, which is flexible, strong, white, smooth, non-shiny, and durable. All sheets must be reasonably free from cracks, creases, and folds. Only one side of the sheet may be used for the drawing. Each sheet must be reasonably free from erasures and must be free from alterations, over-writings, and interlineations. Photographs must be developed on paper meeting the sheet-size requirements of paragraph (f) of this section and the margin requirements of paragraph (g) of this section. See paragraph (b) of this section for other requirements for photographs.

(f) Size of paper. All drawing sheets in an application must be the same size. One of the shorter sides of the sheet is regarded as its top. The size of the sheets on which drawings are made must be:

- (1) 21.0 cm. by 29.7 cm. (DIN size A4), or
- (2) 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches).

**(g) Margins.** The sheets must not contain frames around the sight (i.e., the usable surface), but should have scan target points (i.e., cross-hairs) printed on two cater-corner margin corners. Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch), thereby leaving a sight no greater than 17.0 cm. by 26.2 cm. on 21.0 cm. By 29.7 cm. (DIN size A4) drawing sheets, and a sight no greater than 17.6 cm. By 24.4 cm. (6 15/16 by 9 5/8 inches) on 21.6 cm. by 27.9 cm. (8 1/2 by 11 inch) drawing sheets.

**(h) Views.** The drawing must contain as many views as necessary to show the invention. The views may be plan, elevation, section, or perspective views. Detail views of portions of elements, on a larger scale if necessary, may also be used. All views of the drawing must be grouped together and arranged on the sheet(s) without wasting space, preferably in an upright position, clearly separated from one another, and must not be included in the sheets containing the specifications, claims, or abstract. Views must not be connected by projection lines and must not contain center lines.

**Exploded views.** Exploded views, with the separated parts embraced by a bracket, to show the relationship or order of assembly of various parts are permissible. When an exploded view is shown in a figure, which is on the same sheet as another figure, the exploded view should be placed in brackets.

**Partial views.** When necessary, a view of a large machine or device in its entirety may be broken into partial views on a single sheet, or extended over several sheets if

Art Unit: 2613

there is no loss in facility of understanding the view. Partial views drawn on separate sheets must always be capable of being linked edge to edge so that no partial view contains parts of another partial view. A smaller scale view should be included showing the whole formed by the partial views and indicating the positions of the parts shown. When a portion of a view is enlarged for magnification purposes, the view and the enlarged view must each be labeled as separate views.

(i) Where views on two or more sheets form, in effect, a single complete view, the views on the several sheets must be so arranged that the complete figure can be assembled without concealing any part of any of the views appearing on the various sheets.

(ii) A very long view may be divided into several parts placed one above the other on a single sheet. However, the relationship between the different parts must be clear and unambiguous.

Sectional views. The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight. Hatching must be used to indicate section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. Hatching should not impede the clear reading of the reference characters and lead lines. If it is not possible to place reference characters outside the hatched area, the hatching may be broken off wherever

Art Unit: 2613

reference characters are inserted. Hatching must be at a substantial angle to the surrounding axes or principal lines, preferably 45°. A cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of juxtaposed different elements must be angled in a different way. In the case of large areas, hatching may be confined to an edging drawn around the entire inside of the outline of the area to be hatched. Different types of hatching should have different conventional meanings as regards the nature of a material seen in cross section.

Alternate position. A moved position may be shown by a broken line superimposed upon a suitable view if this can be done without crowding; otherwise, a separate view must be used for this purpose.

Modified forms. Modified forms of construction must be shown in separate views.

**(i) Arrangement of views. One view must not be placed upon another or within the outline of another. All views on the same sheet should stand in the same direction and, if possible, stand so that they can be read with the sheet held in an upright position. If views wider than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the top of the sheet, with the appropriate top margin to be used as the**

**heading space, is on the right-hand side. Words must appear in a horizontal, left-to-right fashion when the page is either upright or turned so that the top becomes the right side, except for graphs utilizing standard scientific convention to denote the axis of abscissas (of X) and the axis of ordinates (of Y).**

(j) Front page view. The drawing must contain as many views as necessary to show the invention. One of the views should be suitable for inclusion on the front page of the patent application publication and patent as the illustration of the invention. Views must not be connected by projection lines and must not contain center lines. Applicant may suggest a single view (by figure number) for inclusion on the front page of the patent application publication and patent.

(k) Scale. The scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. Indications such as "actual size" or "scale 1/2" on the drawings are not permitted since these lose their meaning with reproduction in a different format.

(l) Character of lines, numbers, and letters. All drawings must be made by a process, which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning.

(m) Shading. The use of shading in views is encouraged if it aids in understanding the invention and if it does not reduce legibility. Shading is used to indicate the surface or shape of spherical, cylindrical, and conical elements of an object. Flat parts may also be lightly shaded. Such shading is preferred in the case of parts shown in perspective, but not for cross sections. See paragraph (h)(3) of this section. Spaced lines for shading are preferred. These lines must be thin, as few in number as practicable, and they must contrast with the rest of the drawings. As a substitute for shading, heavy lines on the shade side of objects can be used except where they superimpose on each other or obscure reference characters. Light should come from the upper left corner at an angle of 45°. Surface delineations should preferably be shown by proper shading. Solid black shading areas are not permitted, except when to represent bar graphs or color.

(n) Symbols . Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols, which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols, which are not universally recognized, may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used subject to approval by the Office, or may be required by the examiner where necessary for understanding of the drawing. They should contain as few words as possible.

(p) Numbers, letters, and reference characters.

(1) Reference characters (numerals are preferred), sheet numbers, and view numbers must be plain and legible, and must not be used in association with brackets or inverted commas, or enclosed within outlines, e.g., encircled. They must be oriented in the same direction as the view so as to avoid having to rotate the sheet. Reference characters should be arranged to follow the profile of the object depicted.

(2) The English alphabet must be used for letters, except where another alphabet is customarily used, such as the Greek alphabet to indicate angles, wavelengths, and mathematical formulas.

(3) Numbers, letters, and reference characters must measure at least 32 cm. (1/8 inch) in height. They should not be placed in the drawing so as to interfere with its comprehension. Therefore, they should not cross or mingle with the lines. They should not be placed upon hatched or shaded surfaces. When necessary, such as indicating a surface or cross section, a reference character may be underlined and a blank space may be left in the hatching or shading where the character occurs so that it appears distinct.

(4) The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.

(5) Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.



(q) Lead lines. Lead lines are those lines between the reference characters and the details referred to. Such lines may be straight or curved and should be as short as possible. They must originate in the immediate proximity of the reference character and extend to the feature indicated. Lead lines must not cross each other. Lead lines are required for each reference character except for those, which indicate the surface or cross section on which they are placed. Such a reference character must be underlined to make it clear that a lead line has not been left out by mistake. Lead lines must be executed in the same way as lines in the drawing. See paragraph (l) of this section.

(r) Arrows. Arrows may be used at the ends of lines, provided that their meaning is clear, as follows:

(1) On a lead line, a freestanding arrow to indicate the entire section towards which it points;

(2) On a lead line, an arrow touching a line to indicate the surface shown by the line looking along the direction of the arrow; or

(3) To show the direction of movement.

(s) Copyright or Mask Work Notice. A copyright or mask work notice may appear in the drawing, but must be placed within the sight of the drawing immediately below the figure representing the copyright or mask work material and be limited to letters having a print size of 32 cm. to 64 cm. (1/8 to 1/4 inches) high. The content of the notice must be limited to only those elements provided for by law. For example, "©1983 John Doe" (17 U.S.C. 401) and "\*M\* John Doe" (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively.

***If Applicant is unsure of how to amend drawings to meet the office requirement. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.***

### ***Claim Objections***

1. Claim 15 is objected to because of the following informalities:

Claim 15 is narrative in form and is replete with functional or operational language. The structure, which goes to make up the device, must be clearly and positively specified, especially in the preamble. For example, the preamble in claim 15 should start with **"The method for... , comprising the steps of:"**.

Appropriate correction is required.

2. **Claims 1 – 14, 16 - 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In claims 1, 7, and 16, the phrase "or the like and/or alike" renders the claims indefinite because the claims include elements not actually disclosed (i.e. those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. **For guidance, see MPEP § 2173.05(d).**

In claim 2, the phrase "a particular" height and width renders the claims indefinite because any size can be consider as a particular size.

In claims 17 – 18, the recited limitation "said quad video processor" has no antecedent basis. In other words, the word "said" indicates a reference to the same limitation established in earlier claim(s) in the dependency tree. Since claim 15 has not established "a quad video processor", the reference "said quad video processor" in claims 17-18 has no antecedent basis.

**For correction, please rewrite "said quad video processor" to -- a quad video processor --.**

***New Matter***

3. The amendment filed October 20, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The features of digital VCR, wireless video transceivers, GPS system and 4 optional GHz microwave wireless video transceiver as now claimed have no support from the disclosure as originally filed on January 6, 2004. Applicant is required to cancel the new matter in the reply to this Office Action.

**For guidance, please see MPEP chapter 608.04. The MPEP may be accessed via the following link:**

[http://www.uspto.gov/web/offices/pac/mpep/documents/0600\\_608\\_04.htm#sect608.04](http://www.uspto.gov/web/offices/pac/mpep/documents/0600_608_04.htm#sect608.04)

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 1 – 15 and 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (US 6,690,268).**

Regarding claim 1, Schofield '268 teaches "an visual system for driving safety view" (i.e. fig. 21, col. 40, lines 29 – col. 41, lines 25) and "a plurality of LCD panels, featuring slim frame, ultra bright sunlight viewable" (i.e. fig. 8, display 86 and 87, fig. 16, display 1606 and 1607, fig. 39, display 3910) and "plurality of holder stands, mounting the LCD panels on top of instrument panel of vehicle" (figs 39 and 88 – 90, shows the stand for mounting the LCD display, and also col. 90, lines 29 – 34, mentions installing video display on instrument panel/dashboard) and "plurality of micro camera ....." (fig. 17, cameras 1746 and 1756 and figs 112 – 113) and "plurality of O-ring gripper stands" (i.e. figs. 53 and 55 5034 and 5134 shows O-ring gripper stand for mounting the display to the surface of the vehicle) and "video circuit connection pattern, interconnecting the cameras and LCD panels using detachable video cables" (i.e. figs. 112, 119).

Schofield fails to teach using the O-ring gripper stands to mount the camera to the surface of the vehicle. In contrast, Schofield teaches using the O-ring gripper stand

to secure a display onto the surface of the vehicle as noted above. Hence, it would have been obvious to utilize the O-ring gripper stand as taught in Schofield to also secure the camera onto the surface of the vehicle without undue experimentation and/or modifications.

Regarding claim 2, the limitations “wherein the LCD panels having a particular height and width” as best understood by the examiner, reads on (i.e. fig. 9, displays 96 and 97, having a height and width, which is a close match to the central rear view mirror).

Schofield does not disclose arranging two separate displays side by side for viewing dual images as claimed. In contrast, Schofield discloses a rearview mirror configured into two video displays to achieve the same effect (see figs. 4, 9, 16 – 19). Schofield also discloses having separate video displays configured to the windshield to achieve similar effect (see col. 33, lines 39 – 48 and col. 81, lines 58 – 67, and cols. 21 – 22, lines 65 – 30 and col. 81, lines 60 – 63). Hence, one skilled in the art would have recognized that Schofield is functionally equivalent and teaches both having an integrated display with dual display capability or separate displays arranged at predetermined location (Official Notice). Hence, the arrangement of dual displays “side-by-side” as claimed would have been obvious in view of Schofield. Furthermore, previous court decisions have rendered that by merely shifting the location of a device wherein the operation of said device would not be modified is not invention. An example of such court decision is In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claim 3, Schofield '268 teaches a high resolution active matrix LCD (fig. 39A, col. 51, lines 61 – 65) and a super slim frame bezel (fig. 63, 6374) and a ultra bright back light (col. 3, lines 6 – 10, col. 45, lines 1 – 22), a mirroring switch to let a driver flip screen image left to right (fig. 40, col. 33, lines 49 – 60, col. 77, lines 41 – 48 and col. 139, lines 18 – 20, which teaches a control switch for enabling a driver to select an image for display. This capability is functionally equivalent to the mirroring switch functionality as claimed), an ambient light sensor (col. 7, lines 5 – 10), an auto brightness circuit module to dim the mirrors so as to maximize day and night visibility (col. 125, lines 45 – 50), an auto contrast feature (col. 45, lines 1 – 22, and col. 79, lines 20 – 30).

Regarding claim 4, the limitations of holder stands for mounting the LCD panels have been analyzed and rejected with respect to claim 1.

Regarding claim 5, see Schofield (figs. 41A-B, 42A-B, items 4210 – 4213; also fig. 119). The plug modules as illustrated in Schofield are at the approximate size of about a thumb.

Regarding claim 6, Schofield '268 teaches a cylinder micro waterproof housing is at the approximately size of about thumb size (fig. 41 A-B and figs. 118 – 122). Schofield also teaches a UV filter glass disc, also as water proof shield, on the front cylinder cover (see figs. 21 – 22 and 118 – 122, col. 40, lines 29 – 67), and a set of large iris micro lens (col. 80, lines 16 – 65, col. 81, lines 5 – 25), and a cylinder lens holder (fig. 78, lens and housing), and a socket connector at back of the ultra sensitive CCD sensor (see claim 5).

Regarding claim 7, the limitations "large iris micro lens ....." have been analyzed and rejected with respect to claim 6.

Regarding claim 8, Schofield '268 teaches, "a driving circuit PCB board module" (i.e. col. 81, lines 58 – 67), "a digital signal processor DSP" (i.e. col. 61, lines 2 – 4), "a set of functional switches, gamma setting, image mirroring, shuttle speed" (i.e. col. 41, lines 60 – 66, col. 42, lines 15 – 36, col. 85, lines 10 - 16), and "a socket connector for the detachable flexible ribbon cable (as discussed in claim 5).

Regarding claim 9, Schofield '268 teaches, "CCD sensor can view object under 0.3 lux ....." (i.e. col. 85, lines 1 – 17).

Regarding claim 10, Schofield '268 teaches, "gamma video process, shuttle control from 1/60 to 1/10000, and 60 db and 0.3 lux dark night ....." (i.e. col. 85, lines 1 – 17).

Regarding claim 11, Schofield teaches the O-ring gripper stands (see discussion in claim 1). Hence, the process step of making such O-ring gripper stands would have been obvious and necessitated.

Regarding claim 12, the limitations claimed "O ring for mounting cameras to the vehicle" have been addressed previously with respect to claim 1.

Regarding claim 13, which recites a video circuitry connection pattern for linking all components together to form a complete driving safety view system. In Schofield (fig. 21), the video monitoring system would have necessitated the video circuitry connection pattern for linking all components together for a vehicle viewing assistant system.

Regarding claim 14, the limitations “O-ring gripper stand” have been addressed previously with respect to claim 1. Furthermore, “double sides adhere” reads on (col. 37, lines 15 – 45), and the claimed “opening the front hood of the vehicle, and placing the back end module, and closing the hood and leaving the ribbon cable going through the hood edge gap, and mounting front end module of the other owl’s eye camera near to between a rear signal light .....” is merely for recommending the location for mounting the parts. Furthermore, Applicant has not disclosed that “opening the front hood of the vehicle, and placing the back end module, and closing the hood and leaving the ribbon cable going through the hood edge gap, and mounting front end module of the other owl’s eye camera near to between a rear signal light .....” provides an advantage, is used for a particular purpose or solves a stated problem. Hence, as established in claim 2 above, to shift the location of well-known parts is merely obvious known alternative to achieve a desirable effect. See In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claim 15, the limitations “mounting the cameras and LCD displays to the vehicle” have been analyzed and rejected with respect to claim 1.

Regarding claim 17, which recites, “showing 2 middle blind spots view on top of the LCD display and rear view screens on bottom .....”. This is equivalent to displaying multiple images on the display, which have been analyzed and rejected with respect to claim 2.

Regarding claim 18, Schofield ‘268 teaches, “zooming .....” (i.e. col. 35, lines 15 – 20 and col. 66, lines 50 – 61).



**6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (US 6,690,268) in view of Morgan et al (US 6,411,874).**

Regarding claim 16, Schofield '268 teaches, "digital LCD display set on drivers dash" (figs 39 and 88 – 90 and col. 90, lines 29 – 34) and "plurality of micro camera ....." (fig. 17, cameras 1746 and 1756 and figs 112 – 113), and "wireless video transceiver" (i.e. col. 31, lines 60 – 65) and "GPS" (i.e. col. 29, lines 1 – 5, col. 30, lines 20 – 22).

Schofield '268 is silence on the "VCR for recording purpose". However, such features are well known and used in the prior art of the record as evidenced by Morgan '874 (i.e. cols. 5 – 6, lines 60 – 10).

Taking the combined teaching of Schofield and Morgan as a whole, it would have been obvious to one skilled in the art to include a video cassette recorder/VCR as taught by Morgan in video monitoring of Schofield, for the purpose of recording images or traffic or any other events.

### **Conclusion**

7. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a Liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent. A listing of registered patent attorneys and agents is available on the USPTO

Art Unit: 2613

Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

**Please Note:**

Correspondence via "e-mail" is not considered by the Office as Official and secures correspondence and will not be considered. All correspondence should be directed to the official fax listed below under "Contact".

**Contact**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.


Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(571) 272-6000**,

**Or faxed to:**

**(571) 273-8300**

Art Unit: 2613

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B.M.S. 

MEHRDAD DASTOURI  
SUPERVISORY PATENT EXAMINER  
TC 2600

*Mehrdad Dastouri*